IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.10341 of 2005
Date of Decision: 16.11.2006

Modern Bus Service (Regd.) and another

Petitioners

versus

State Transport Commissioner Punjab and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE PRITAM PAL

Present: Shri A.M.Punchhi, Advocate for the petitioners
Shri P.S.Chhina, Additional Advocate General, Punjab
Shri Baldev Kapoor, Advocate for respondent No.2
Shri Jagdish Marwaha, Advocate for respondent No.4

Jasbir Singh, J. (Oral)

Petitioner No.1 was granted a stage carriage permit vide order dated 13.8.1996. Respondent No.2 came in appeal, which was allowed on 30.11.2004. It is apparent from the records that when despite service, the petitioners failed to appear before the Appellate Tribunal, ex-parte proceedings were ordered against them. It is contention of counsel for the petitioners that they were never served. The petitioners have been condemned unheard. This Court is of the opinion that valuable right of the petitioners has been taken away, the stage carriage permit granted to petitioner No.1 has been cancelled and the matter has been remanded to the competent authority, to decide it afresh. We feel that in the interest of justice, one opportunity is required to be given to the petitioners, to represent their case before the Appellate Tribunal.

In view of facts mentioned above, this writ petition is allowed, order dated 30.11.2004 is set aside and the matter is remitted to the

Appellate Tribunal, to decide the appeal afresh. It is made clear that any transfer of the permit made by the petitioner No.1 in favour of petitioner No.2, shall have no effect so far as rights of respondent No.2 are concerned.

Parties are directed to appear before the Appellate Tribunal on 8.12.2006.

It will be highly appreciated if the appeal is heard and decided within a period of two months from the date the parties put in appearance before it.

(Jasbir Singh)
Judge

November 16, 2006 **(Pritam Pal)**
gk **Judge**